
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

Executive Order 56 (2007)

HOKIE SPIRIT MEMORIAL AND SCHOLARSHIP FUNDS DISBURSEMENT

On Monday, April 16, 2007, thirty-two members of the Virginia Polytechnic Institute & State University ("Virginia Tech") community were brutally murdered, and numerous other students and faculty members were injured as a result of a student's shooting rampage. On April 16, 2007, I issued Executive Order 49 to declare a State of Emergency for the Commonwealth as a result of the mass shootings.

This horrific tragedy inspired a spontaneous outpouring of support from individuals, corporations, other universities, and benevolent organizations, including generous financial donations. In response, the Virginia Tech Foundation, Inc. (the "Foundation"), which is a charitable, 501(c)(3) corporation existing solely to support the instructional, research, and public service programs of Virginia Tech, established two funds. The funds were named the Hokie Spirit Memorial Fund and the Hokie Spirit Scholarship Fund (collectively, the "Funds").

The Foundation has advised me that: more than 20,000 individuals and groups have donated over \$7 million to the Funds; based on the information provided by donors, it appears that the donors' general intent was to assist the victims, families, and the Virginia Tech community in the recovery and healing process following the tragedy; some donors to the Funds indicated a desire that their donations be used for scholarship purposes; and other donors did not limit or specify the manner in which the donations were to be expended.

In an effort to identify the most appropriate use of the funds other than certain limited funds already provided to or expended on behalf of victims and families for expenses incurred as a direct result of the tragedy, Virginia Tech accepted the volunteer services of Kenneth Feinberg, who formerly served as Special Master of the Federal

September 11 victim's compensation fund. Mr. Feinberg met with families of the deceased and survivor families in an effort to gain information about their wishes. He developed a protocol for distribution based on his assessment of the wishes of the families. The protocol for distribution ("Protocol") was announced on August 15, 2007, with a schedule for application and final distribution of monies.

The distribution of funds contemplated by the Protocol cannot be made directly by the Foundation because of limitations in the Foundation's charter. However, I have been advised that a transfer of such funds from the Foundation to Virginia Tech would permit Virginia Tech to make such a distribution. I have been further advised that such a transfer from the Foundation to Virginia Tech requires authorization by the Governor.

In that regard, Virginia Tech concurs in and supports the proposed distribution outlined in the Protocol. Virginia Tech intends to request that the Foundation transfer the funds to Virginia Tech so that Virginia Tech can, in turn, provide for distributions pursuant to the Protocol. The Foundation has indicated its willingness to do so.

Accordingly, pursuant to authority granted to me as Governor, including but not limited to Article V of the Constitution of Virginia, and §§ 4-1.04a.3.a).7) and 4-2.01.a.1 of Chapter 847 of the 2007 Acts of Assembly, and subject always to my continuing and ultimate responsibility and authority to act in such matters, I hereby authorize Virginia Tech to accept from the Foundation such funds as are maintained in the Funds and direct the Director of Planning and Budget to take steps necessary to permit Virginia Tech to distribute in accordance with the Protocol funds derived from the donations to the Funds after April 16, 2007.

This Executive Order shall be effective upon its signing and shall remain in full force and effect for one year, unless amended or rescinded by further executive order.

Given under my hand and the Seal of the Commonwealth of Virginia this 13th day of September, 2007.

Timothy M. Kaine, Governor

Attest:

Secretary of the Commonwealth